



## CITY OF GARDEN CITY

6015 Glenwood Street Garden City, Idaho 83714  
Phone 208/472-2900 Fax 208/472-2998

~ Minutes ~

### Planning & Zoning Commission

6:30 PM

Wednesday, June 19, 2019

City Hall – Council Chambers

6015 Glenwood Street, Garden City, Idaho

---

**I. CALL TO ORDER** The meeting was called to order at 6:30 pm.

#### II. ROLL CALL

Commissioners Present: Chuck Kennedy, James Page, L. Kent Brown, L. Joe Nunley, Kent Rasmussen

Staff Present: Jenah Thornborrow, Chris Samples

#### III. CHANGES TO AGENDA - ACTION ITEM

- A. **CUPFY2019-10:** was moved to the consent agenda after the applicant, Jen Kwan-Totten did not object to the draft findings of fact, conclusions of law and decision, no one from the public wished to testify on the matter, and no commissioner had an objection to the proposal.
- B. **ZONFY2019-1:** was moved to the consent agenda for a request to be continued to a date certain of July 17, 2019 at the request of the applicant due to noticing issues.

#### IV. CONSENT AGENDA – ACTION ITEM

- A. May 15, 2019 Minutes
- B. **CUPFY2019-10:** Jen Kwan-Totten with JT Auto Glass & Tint is requesting Conditional Use Permit approval for a Vehicle Service use at 9335 W. State Street. The 0.48 acre site is located in the General Commercial (C-2) zoning district. APPROVED
- C. **ZONFY2019-1:** Victor Ferral with BRS Architects is requesting approval of a rezone application for 5320 N. Sawyer Ave.; Ada County Parcel R1055420071. The 1.978 acre site is proposed to be rezoned from General Commercial (C-2) to Light Industrial (LI). Continued to a date certain of July 17, 2019
  - i. Commissioner Page moved to approve the consent agenda.
  - ii. Commissioner Brown seconded.
  - iii. The motion was approved unanimously.

#### V. OLD BUSINESS – ACTION ITEM

- A. None

#### VI. PUBLIC HEARINGS – ACTION ITEM

- A. **CUPFY2019-6:** Michael Nelson with Rocky Mountain Audio Visual Inc. is requesting Conditional Use Permit approval of a parking lot at N. 36th Street, Ada County Parcel

R2734530132, Fairview Acres Sub. #4. The 0.099 acre lot is within the highway commercial (C-1) zoning district, and the Work-Live-Create and Transit Oriented Development designations of the Comprehensive Plan.

- i. The applicant was not present.
- ii. Staff Chris Samples presented the staff report.
- iii. Public testimony was received from no one.
- iv. The Commission closed public testimony.
- v. During discussion
  1. Commissioner Page noted for the reasons outlined in the staff report that the application was not compliant and noted health and safety concerns.
  2. The other commissioners concurred with concerns with health and safety, most notably the entrance to the lot.
- vi. Commissioner Page moved to deny.
- vii. The applicant, Michael Nelson, arrived at 6:42 pm.
- viii. Commission noted that they would be willing to reopen the hearing and hear from the applicant at the end of agenda.
- ix. Commissioner Page withdrew motion.
- x. The public testimony was reopened.
- xi. The applicant, Michael Nelson, presented the application.
- xii. Staff, Christian Samples provided a staff report.
- xiii. During Discussion
  1. Chairman Kennedy noted that he concurs with the applicant that the property is a gateway. He encouraged the commission to provide guidance on what would be appropriate at the subject location.
  2. Commissioner Brown concurred that the property is a gateway property. He further noted that he feels that the use is storage. He noted that on sites that are compromised in size and shape there are the opportunities to request variances. He indicated that there would have to be certain improvements with an application.
  3. Commissioner Nunley noted that he is sympathetic to the applicant's need for storage. He also noted that there are safety issues. He noted that ideally the site would remain maintained. He would like to see comments from Idaho Power and an analysis on how to safely access the property.
  4. Commissioner Rasmussen furthered that he appreciated that the applicant is choosing to do business, however, he concurs with fellow commissioners. He noted that parking or storage is not the right use and the requested use is an attractive nuisance.
  5. Commissioner Page indicated that he concurs that the site is a signature site entering Garden City and it is unattractive. He indicated that he feels that a fence would be ineffective due to the configuration of the site. He noted that it is the duty of the Commission to uphold codes.
- xiv. Commissioner Nunley moved to approve as a storage facility with all requirements of a storage facility as identified in code. With findings to be provided at next meeting.
- xv. Commissioner Page seconded.
- xvi. The motion was withdrawn.
- xvii. Commissioner Brown moved to deny the application.
- xviii. Commissioner Rasmussen seconded.

- xix. Discussion from Commissioner Page noted that he would be eager to see an application that complies with code.
- xx. The motion passed unanimously.

- B. CUPFY2019-9/VARFY2019-1: Josh Beach with Conger Group is requesting Conditional Use Permit and Variance approval of a new industrial flex building to be located at 209 W. 36th St., Ada County Parcel R2734531468. The 0.290 acre site is located in the general commercial (C-2) zoning district.
  - i. The applicant Josh Beach presented the application.
  - ii. Staff Chris Samples presented the staff report.
  - iii. Public testimony was received from Peggy Clements in opposition. Her concerns related to setbacks and potential tenants due to the design that would be incompatible with the adjacent residential. She indicated that they own several properties in the radius and did not receive notice for a neighborhood meeting. She also noted that there is an irrigation ditch of concern.
  - iv. Mr. Beach provided rebuttal.
  - v. The Commission closed public testimony.
  - vi. During discussion
    - 1. Commissioner Nunley noted that he doesn't see why the variance shouldn't be allowed. An attached sidewalk is not an issue.
    - 2. Commissioner Rasmussen noted concern with a variance for the landscaping. He noted no concerns with the sidewalk. Felt that the lack of parking could lead to long-term vacancy.
    - 3. Commissioner Brown stated that he was sympathetic with the issues with the size and the shape of the lot.
    - 4. Commissioner Page noted that the property is unique, and a variance is appropriate. Has more questions on the use.
  - vii. Commissioner Brown moved to approve the conditional use permit in accordance with the draft findings of fact, conclusions of law, and decision with an additional condition that:
    - 1. The variance requests are allowed.
  - viii. Commissioner Nunley seconded the motion.
  - ix. The motion passed unanimously.
  - x. Commissioner Brown moved to approve the application with the following amendment to the draft findings of fact, conclusions of law, and decision:
    - 1. Allow for an attached 5' sidewalk.
    - 2. Allow for a reduction of landscaping as requested in application.
    - 3. Require a 6' vinyl fence on east side.
  - xi. Commissioner Nunley seconded the motion.
  - xii. The motion passed unanimously.

## **V. DISCUSSION**

- A. Suggested that if an applicant is not present that the application will be moved to the final item on the agenda. If they still have not arrived by the time that it is to be heard, then the Commission will proceed with the hearing.
- B. Commissioner Nunley's final meeting
- C. Commissioner Pelton in attendance.

## **VIII. ADJOURNMENT – ACTION ITEM**

- A. The meeting was adjourned at 8:25 pm.



Chairman, Planning and Zoning Commission

17 July 2019  
Date